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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,287	03/16/2004	Johann Karl Kitta	KITTA ET AL.-1	3043
25889	7590	08/22/2006	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				ROY, ANURADHA
		ART UNIT		PAPER NUMBER
		3736		

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/801,287	KITTA ET AL.
	Examiner	Art Unit
	Anuradha Roy	3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 9 is/are pending in the application.
 4a) Of the above claim(s) 8 and 10-15 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 and 9 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US Patent No. 5,769,826) in view of Allard (US Publication No. 2004/0186426).

Regarding claim 1, Johnson et al. discloses a hollow needle holder comprising:

- (a) a hollow needle container (10) having an inside and an outside (Figure 1) and first face (21) comprising a closable opening (20) and a second face (comprising elements within 80 through proximal end of element 30, as shown in Figure 1);
- (b) a hollow needle fixing device (30 & 50) disposed from the inside of the hollow needle container (Figure 1) on said second face (30) for receipt of a hollow needle (42) or an adapter for a hollow needle attachable to the hollow needle fixing device from the outside through an opening in the second face of the hollow needle container (Figure 1) and projecting through said hollow needle fixing device (30 & 50) into said hollow needle container; and

(c) an unlocking mechanism (70 & 72) for releasing the hollow needle or adapter after use so that the hollow needle fixing device (30 & 50) together with the hollow needle or adapter falls into said hollow needle container after activation of said unlocking mechanism (Figure 2),

However, Johnson et al. does not directly teach of the unlocking mechanism having a closure device comprising at least one slide for both unlocking the hollow needle fixing device and closing said hollow needle container. Allard et al., however, directly teaches of a hollow needle container having a unlocking mechanism (7, 17 & 14) having a closure device comprising at least one slide (17) capable of both unlocking the hollow needle fixing device and closing said hollow needle container. Examiner contends that the unlocking mechanism contains a slide (7 & 17) and once depressed the needle is retracted and thus the hollow needle container is directly closed (14).

In regards to claim 2, Johnson et al. discloses a hollow needle holder, further comprising an anchoring device (32 & 60) releasably fixing said hollow needle fixing device in place on said hollow needle holder (Figure 1).

With regard to claim 3, Johnson et al. discloses a hollow needle holder, wherein said hollow needle fixing device (30 & 50) is engageable on the hollow needle holder (Figure 1 & 2).

Regarding claim 4, Johnson et al. discloses a hollow needle holder, wherein the hollow needle holder has a passage opening (100) for the hollow needle or the adapter

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and at least one attachment opening (17) for said hollow needle fixing device on said second face.

In regards to claim 5, Johnson et al. discloses a hollow needle holder, wherein said hollow needle fixing device has at least one flexible arm (arms of element 30) having a wedge-shaped projection for engagement on said hollow needle holder.

With regard to claims 6, 7, & 9, Johnson et al. in view of Allard discloses the claimed invention except for a second slide. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a second slide, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

Applicant's arguments with respect to claims 1-7 & 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anuradha Roy whose telephone number is 571-272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can

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normally be reached between 9:00am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR



MAX F. HINDEMBURG
PRIMARY PATENT EXAMINER
TELEPHONE NUMBER 3700